

## REMARKS

In the Office Action dated March 23, 2004, claims 1-5, 7-44, and 47 were rejected. Claim 42 is cancelled without prejudice. Claims 1-41, 43, 44 and 47 are now pending in the application. In view of the remarks and amendments, Applicant respectfully requests reconsideration of the application.

Claims 1-4, 7-13 were rejected under U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,892,900 (hereinafter Ginter).

Ginter teaches flexible metering of use of electronic content. The flexible metering accommodates different parameters related to electronic information content use; different increment units; and different categories of users. This can be employed for content security, usage analysis, and compensation based upon use of the managed content. (col. 33, lines 35-65)

Ginter also teaches a smart card implementation in the form of a portable electronic appliance. A feature of the smart card is the use of these devices as transaction cards at retail and other establishments wherein such cards can "dock" with an establishment terminal. (col. 40, line 62 to col. 41, line 65)

Ginter further teaches the content user providing payments to the financial clearing house which in turn provides payments to the content creator and content distributor. (col. 56, lines 1-65)

However, in marked contrast to Ginter, applicant has amended Claim 1 to include the limitation, in part, of:

header information for indicating a first charge amount  
attributable to a first source and a second charge amount  
attributable to a second source for use of the data  
information, and wherein the data information is available to  
the user and wherein the first charge amount is

automatically transmitted to the first source from the transaction device and the second charge amount is automatically transmitted to the second source from the transaction device wherein the first charge amount combined with the second charge amount is a total amount for utilizing the data information

In contrast to Ginter, the invention as described in claim 1 allows a first charge amount and a second charge amount to be determined from utilizing the data information. Further, the first charge amount and the second charge amount are transmitted to a first source and a second source, respectively.

Although Ginter teaches multiple payment methods, Ginter fails to teach a payment system that allows the transaction device to transmit the first charge amount and the second charge to separate sources for utilizing the data information.

Ginter fails to teach elements within independent claim 1. Thus, independent claim 1 is now in condition for allowance. In addition, claims 2-4 and 7-13 depend directly or indirectly on claim 1 and, therefore, are patentable for at least the same reasons discussed above.

Claims 14-44 and 47 were rejected under U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,892,900 (hereinafter Ginter).in view of U.S. Patent No. 6,025,868 (hereinafter Russo).

Applicant has amended Claims 14, 29, 41, and 47 to include the limitation, in part, of:

calculating a first portion and a second portion of the charge amount wherein the first portion is associated with the data information that corresponds to a first

source and the second portion is associated with the  
data information that corresponds to a second  
source; and automatically transmitting the first portion  
of the charge amount to the first source and the  
second portion of the charge amount to the second  
source

Applicant believes that neither Ginter nor Russo singly or in combination teach, hint or suggest calculating a first portion and a second portion of the charge amount wherein the first portion and the second portion correspond to a first source and a second source, respectively. Further, applicant believes that neither Ginter nor Russo singly or in combination teach, hint or suggest automatically transmitting the first portion and the second portion of the charge amount to the first source and the second source.

Therefore, Ginter in combination with Russo fails to render claims 14, 29, 41, and 47 unpatentable. Thus, independent claims 14, 29, 41, and 47 are in condition for allowance. In addition, claims 15-28 depend directly or indirectly on claim 14 and therefore, are patentable for at least the same reasons discussed above. Claims 30-40 depend directly or indirectly on claim 29 and therefore, are patentable for at least the same reasons discussed above. Claims 43-44 depend directly or indirectly on claim 41 and therefore, are patentable for at least the same reasons discussed above.

In view of the foregoing remarks and amendments, Applicant respectfully submits that all pending claims are in condition for allowance. Such allowance is respectfully requested.

If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully requested to contact Richard H. Butler at (408) 223-9763.

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Respectfully submitted,

  
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